

SECOND REGULAR SESSION

SENATE BILL NO. 1085

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS KENNEDY, BRAY, DAYS, SHIELDS, ALTER, STOFFER,
DOUGHERTY, COLEMAN AND GIBBONS.

Read 1st time February 20, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4122S.051

AN ACT

To repeal section 167.627, RSMo, and to enact in lieu thereof one new section relating to students self-administering medication.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 167.627, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 167.627, to read as follows:

167.627. 1. Any board of education of any school district [may permit the
2 self-administration of medication administered by way of a metered-dose inhaler
3 by a pupil for asthma or other potentially life-threatening respiratory illnesses],
4 **its employees or agents, shall grant to any pupil an authorization to**
5 **possess and self-administer medication to treat asthma or anaphylaxis**
6 provided that:

7 (1) [The parents or guardians of the pupil provide to the board of
8 education written authorization for the self-administration of medication and a
9 written medical history of the pupil's experience with the potentially
10 life-threatening respiratory illness and a plan of action for addressing any
11 emergency situations that could reasonably be anticipated as a consequence of
12 administering the medication and having the potentially life-threatening
13 respiratory illness] **A licensed physician prescribed or ordered the**
14 **medication for use by the pupil and instructed the pupil in the correct**
15 **and responsible use of the medication;**

16 (2) [The parents or guardians of the pupil provide to the board of
17 education written certification from the physician of the pupil that the pupil has
18 asthma or another potentially life-threatening respiratory illness and is capable

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 of, and has been instructed in, the proper method of self-administration of
20 medication and informed of the dangers of permitting other persons to use
21 medicine prescribed for the pupil] **The pupil has demonstrated to the**
22 **physician, or such physician's designee, and the school nurse, if**
23 **available, the skill level necessary to use the medication and any device**
24 **that is necessary to administer such medication as prescribed or**
25 **ordered;**

26 (3) [The board informs the parents or guardians of the pupil in writing
27 that the district and its employees or agents shall incur no liability as a result of
28 any injury arising from the self-administration of medication by the pupil, absent
29 any negligence by the district, its employees or its agents, or as a result of
30 providing all relevant information provided pursuant to subdivisions (1) and (2)
31 of this subsection with the school nurse, absent any negligence by the district, its
32 employees or its agents, or in the absence of such nurse, to the school
33 administrator] **The physician has approved and signed a written**
34 **treatment plan for managing asthma or anaphylaxis episodes of the**
35 **pupil and for medication use by the pupil. Such plan must include a**
36 **statement that the pupil is capable of self-administering the medication;**

37 (4) [The parents or guardians of the pupil sign a statement acknowledging
38 that the district shall incur no liability as a result of any injury arising from the
39 self-administration of medication by the pupil and that the parents or guardians
40 shall indemnify and hold harmless the district and its employees or agents
41 against any claims arising out of the self-administration of medication by the
42 pupil] **The pupil's parent or guardian has completed and submitted to the**
43 **school written authorization for the self-administration or possession of**
44 **medication and any written documentation required by the school,**
45 **including the treatment plan required under subdivision (3) of this**
46 **subsection and the liability statement required under subdivision (5) of**
47 **this section; and**

48 (5) [The permission is effective for the school year for which it is granted
49 and is renewed for each subsequent school year upon fulfillment of the
50 requirements of subdivisions (1) through (4) of this subsection] **The pupil's**
51 **parent or guardian has signed a statement acknowledging that the**
52 **school district and its employees or agents shall incur no liability as a**
53 **result of any injury arising from the self-administration of medication**
54 **by the pupil. Such statement shall not be construed to release the school**
55 **district and its employees or agents from liability for negligence.**

56 2. [Nothing in this section shall be construed to prevent a school district
57 from requiring pupils to maintain current duplicate prescription medications with
58 the school nurse or in the absence of such nurse, the school administrator.

59 3. The state board of education shall promulgate such rules and
60 regulations as it deems necessary to effectuate the purposes of this section.

61 4. No rule or portion of a rule promulgated pursuant to the authority of
62 this section shall become effective unless it has been promulgated pursuant to the
63 provisions of section 536.024, RSMo.] **An authorization granted under this
64 section shall allow the pupil involved to possess and self-administer his
65 or her medication while in school, while at a school-sponsored activity,
66 and in transit to or from school or school-sponsored activities.**

67 **3. An authorization granted under this section shall be effective
68 only for the same school and school year for which it is granted, and
69 must be renewed by the parent or guardian each subsequent school year
70 in accordance with this section.**

71 4. **Current duplicate prescription medications authorized under
72 this section, if provided by a pupil's parent or guardian, shall be kept at
73 a pupil's school in a location to which the pupil, or appropriate agent of
74 the school if deemed necessary in the physician's written treatment plan,
75 has immediate access in the event of an asthma or anaphylaxis
76 episode. The location for such medication shall be determined by the
77 parent or guardian, school nurse, if available, and school administrator.**

78 5. **Information described in subdivisions (3) and (4) of subsection
79 1 of this section shall be kept on file at the pupil's school in a location
80 easily accessible in the event of an asthma or anaphylaxis episode.**

81 6. **For purposes of this section the following terms shall mean:**

82 (1) **"Medication", any medicine prescribed or ordered by a licensed
83 physician for the treatment of asthma or anaphylaxis, including, but not
84 limited to, inhaled bronchodilators and auto-injectable epinephrine;**

85 (2) **"Self-administration", a pupil's discretionary use of medication,
86 pursuant to a prescription or written treatment plan from a licensed
87 physician.**

88 7. **Nothing in this section shall be construed to prohibit schools
89 or school districts from providing current duplicate prescription
90 medication authorized under this section or from implementing a policy
91 for the training of its employees or agents to administer to the pupil the
92 medication authorized under this section.**



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